



# Department of Planning, Housing, & Community Development

**Mayor, Richard C. David**  
Director, Jennie Skeadas-Sherry

## ***STAFF REPORT (UPDATED)***

TO: Zoning Board of Appeals Members  
FROM: Planning, Housing and Community Development  
DATE: June 26, 2014  
SUBJECT: 96 Front Street; Series A Site Plan Review  
TAX ID: 160.40-1-34  
CASE: 2014-20

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### **A. REVIEW REQUESTED**

The applicant has submitted an application to construct a second story addition to an existing restaurant. The property is located in the C-1, Service Commercial District. Although a Full-Service Restaurant is permitted by right in the C-1 District, per Section 410-36 (A), all new construction requires Series A Site Plan Review.

### **B. STANDARDS FOR APPROVAL OF SITE PLANS**

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

### **C. ADDITIONAL REVIEWS**

The expansion of the restaurant would provide seating accommodations for 45 more customers and would employ 5 more staff members during peak hours. This would require the provision of 17 new parking spaces. The applicant has proposed the addition of 0 parking spaces. On June 3<sup>rd</sup> The Zoning Board of Appeals approved an area variance for parking.

## D. SITE REVIEW

96 Front Street is located near the southeast corner of the Main Street and Front Street intersection. The existing restaurant has two levels and rises one story above street grade. The proposed addition will be constructed on the rear of the existing street-grade section of the building, above the lower level. This will result in no change to the existing footprint. The property has a frontage of 24 feet and a depth of 178 feet. The property is located in the C-1 Service Commercial District.

Land use in the vicinity of 96 Front Street is predominately commercial. There are several fraternity houses and multi-unit dwellings on the upper stories of nearby properties. Commercial uses in the area include the Binghamton Club, The Valet Shop, McDevitt & McManus Funeral Home. Binghamton High School is located a half block west of the subject property.

## E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

96 Front Street: On December 7, 2010, an area variance was granted to the applicant for minimum off-street parking.

## F. ENVIRONMENTAL IMPACT

**SEQR EAF Part 2 - Impact Assessment.** The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
Will the proposed action result in a change in the use or intensity of use of land?		
Will the proposed action impair the character or quality of the existing community?		
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
Will the proposed action impact existing:		

A. public / private water supplies?		
B. public / private wastewater treatment utilities?		
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?		
Will the proposed action create a hazard to environmental resources or human health?		

**EAF Part 3 - Determination of significance.** For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

## **G. COMMENTS FROM OTHER DEPARTMENTS**

Staff has recommended that the asphalt be removed from the utility strip located in front of the property and that it be replaced it with a tree lawn. The applicant claims that a tree would greatly diminish the visibility of their sign, and, therefore, has proposed an alternative (see attached rendering). Planning staff has not objects to the applicant’s alternative pending approval for the Engineering Department. The Engineering Department will review the applicant’s proposal and will submit comments before July 7<sup>th</sup>.

## **H. STAFF FINDINGS**

The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.

**If the Planning Commission should choose to approve this application, Planning Staff suggests that the approval be granted with the following conditions:**

- **Prior to the issuance of a Certificate of Occupancy, the applicant shall remove the asphalt from the sidewalk utility strip and replace it with a tree lawn, containing at least one tree.**

## **H. ENCLOSURES**

Enclosed are copies of the floor plan, the application and site photos.